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UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED FIFTH CONGRESS
OF THE UNITED STATES OF AMERICA

1997

AND

PROCLAMATIONS

VOLUME 111

IN THREE PARTS

PART 2

PUBLIC LAWS 105-36 THROUGH 105-88



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON 1998

Protection and
personally-owned"

"CENTER" and
"CENTER"

*Public Law 105-83
105th Congress

An Act

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 1998, and for other purposes

Nov 14, 1997
H R 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes namely

Department of
the Interior and
Related Agencies
Appropriations
Act 1998

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 16 U S C 3150(a), \$583,270,000, to remain available until expended of which \$2,043,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U S C 3150), and of which \$3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U S C 4601-6a) and of which \$1,500,000 shall be available in fiscal year 1998 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation to such Foundation for challenge cost-share projects supporting fish and wildlife conservation affecting Bureau lands, in addition \$27,650,000 for Mining Law Administration program operations, to remain available until expended to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$583,270,000 and in addition not to exceed \$5,000,000 to remain available until expended, from annual mining claim fees which shall be credited to this account for the costs of administering the mining claim fee program, and \$2,000,000 from communication site rental fees established by the Bureau for the cost of administering communication site activities *Provided* That appropriations herein made

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Resources)

*Note. This law contains items that were cancelled by the President pursuant to the Line Item Veto Act. For more information see the *Federal Register* entry under LEGISLATIVE HISTORY at the end of this law.

\$11,000,000 *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects *Provided further* That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts *Provided further*, That funds made available to States under title IV of Public Law 95-87 may be used, at their discretion for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines *Provided further* That such project must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act *Provided further*, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.) if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians, maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges, acquisition of water rights, advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums, development of Indian arts and crafts, as authorized by law, for the general administration of the Bureau, including such expenses in field offices, maintaining of Indian reservation roads as defined in 23 U.S.C. 101, and construction, repair, and improvement of Indian housing, \$1,528,588,000, to remain available until September 30, 1999 except as otherwise provided herein, of which not to exceed \$93,825,000 shall be for welfare assistance payments and not to exceed \$105,829,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1998, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to \$5,000,000 shall be for the Indian Self-Determination Fund,

which shall be expanded tribal agreements with the \$374,290,000 for and other education 1998, and shall of which not to be expended for health fees, litigation Determination 1 Hopi Settlement torts may use the costs of ongoing unmet welfare are available to tribal compact agreements 1999, as authorized or grants authorized (25 U.S.C. 2001) by the contractor funding uniform provided in this may be reprogrammed available within That notwithstanding governments may or by other means change the amount within the service eligible for general are applied in a compact *Provided further* be available for *Provided further*, That ment which results for general assistance to the tribe from *further*, That any unobligated as of fiscal year 1999 established for the benefit account. *Provided* so transferred shall That notwithstanding to the Bureau, of ance to public schools to support the o in the State of A funds made available through September shall be available as of September to the Bureau school or dormitory by the Secretary school system as ning in fiscal year

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which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed \$374,290,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1998, and shall remain available until September 30, 1999; and of which not to exceed \$55,949,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvements and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements and for unmet welfare assistance costs: *Provided further*, That funds made available to tribes and tribal organizations through contracts, compact agreements, or grants obligated during fiscal years 1998 and 1999, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than two years may be reprogrammed to two year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1998, may be transferred during fiscal year 1999 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1999: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1998: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1999 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996: *Provided further*, That no funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995: *Provided further*, That beginning in fiscal year 1998 and thereafter and notwithstanding 25

Expiration date

25 USC 2012
 note

U S C 2012(h)(1)(B) when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively. *Provided further* That the Cibecue Community School may use prior year school operations funds for the construction of a new high school facility which is in compliance with 25 U S C 2005(a) provided that any additional construction costs for replacement of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds. *Provided further* That tribes may use tribal priority allocations funds for the replacement and repair of school facilities which are in compliance with 25 U S C 2005(a) so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocations funds

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities and other facilities, including architectural and engineering services by contract acquisition of lands and interests in lands, and preparation of lands for farming and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$125,051,000 to remain available until expended. *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation. *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau. *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U S C 13 shall be made available on a nonreimbursable basis. *Provided further*, That for fiscal year 1998, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements. *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR, the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed. *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U S C 2005(a), with respect to organizational and financial management capabilities. *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U S C 2505(f). *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U S C 2508(e).

INDIAN LAND AND

For miscellaneous and for necessary available until expended for implementation of the provisions pursuant to and for implementation including not to exceed share of the Catawba project, as authorized of which \$1,352,999-264, 100-383 retary is directed surface water right the Truckee River receipts of which Pyramid Lake F purposes of section limitation on the of paragraph 206

INDIAN

For the cost by the Indian F. such costs, including as defined in section. *Provided further*, loan principal, and \$34,615,000

In addition, guaranteed loan)

Appropriation revolving fund for fund, the Techni Indian Direct Loan Program and purchase of which not to exceed

Notwithstanding to the Bureau of pooled overhead) contracts, grants Bureau of Indian Determination Act Law 103-413).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$43,352,000, to remain available until expended; of which \$42,000,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618, 102-374, and 102-575, and for implementation of other enacted water rights settlements, including not to exceed \$8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103-116; and of which \$1,352,000 shall be available pursuant to Public Laws 99-264, 100-383, 103-402, and 100-580: *Provided*, That the Secretary is directed to sell land and interests in land, other than surface water rights, acquired in conformance with section 2 of the Truckee River Water Quality Settlement Agreement, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, and be available for the purposes of section 2 of such agreement, without regard to the limitation on the distribution of benefits in the second sentence of paragraph 206(f)(2) of Public Law 101-618

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, \$500,000

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413)